IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 63782-M of 2006

DATE OF DECISION : 05.12.2006

Joshi and another

.... PETITIONERS

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Vinod Sharma, Advocate,
for the petitioners.

Mr. Partap Singh, Senior D.A.G., Haryana.

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Joshi and his brother Rakesh have filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 72 dated 29.1.2006 registered at Police Station City, Panipat, under Sections 306, 34 IPC.

I have heard counsel for the parties and gone through the contents of the FIR.

The petitioners are brothers-in-law (brothers of wife) of deceased Vijay. The aforesaid FIR has been registered against the petitioners and their father Omkar, on the statement made by Dayanand-father of the deceased, in which it is alleged that on 29.1.2006, deceased Vijay had some altercation with his sister-in-law (sister of wife) namely Shashi, who is residing in the neighbourhood. It is further alleged that on the said altercation, Shashi gave a telephonic call to her parents, who were residing in Village Kaswerwa (U.P.). On receiving that call, Omkar (father-in-law of the deceased) and Joshi and Rakesh (present petitioners) came and they, after entering the house, started abusing Vijay, the deceased son of the complainant. It was further alleged that petitioner No.2 Rakesh caught hold

the deceased and petitioner No.1 Joshi sprinkled kerosene oil on him. Then, their father Omkar lit the match and set Vijay on fire, due to which subsequently, he died in the Hospital.

Counsel for the petitioners contends that the deceased was married to Rupa-sister of the petitioners. He further contends that the petitioners have been falsely implicated in this case, as their brother-in-law committed suicide, with which the petitioners and their father have nothing to do. Counsel submits that after the investigation, challan has been filed and while referring to the charge sheet, he further submits that the charge has been framed against the petitioners under Section 306 read with Section 34 IPC. Counsel contends that even during the investigation, allegation that the petitioners set the deceased on fire was found to be false. Counsel contends that the petitioners are in custody since 20.2.2006 and it is not the case of prosecution that in case, the petitioners are released on bail, they are likely to influence the prosecution witnesses.

In view of the above, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioners and they are, accordingly, ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of trial court.

December 05, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**